

UNDERAGE ALCOHOL ENFORCEMENT RESPONSE TEAM

*Having an underage alcohol party?
Are the police invited?*

This program establishes suggested guidelines for an Underage Alcohol Enforcement Response Team and has been developed for focusing on parties where alcohol is being consumed by underage youth. The program first looks at the role of law enforcement and community agencies in preventing underage drinking parties and safely dispersing them when they occur. The program will include step-by-step information on how to address underage parties and how to use enforcement campaigns to begin influencing positive changes in community norms concerning underage drinking and parties.

NOTE: These are guidelines only. Each jurisdiction must first examine local ordinances and practices accepted by their law enforcement agency, prosecutor, courts, and the MLCC.

This nationally recognized program was reviewed by:

Sgt. Perry Curtis
Michigan State Police

Tobin L. Miller
Michigan Justice Institute

Peter Stathakis
Michigan Judicial Institute

Marty Trombley
Mid Michigan Community College

David Wallace
Michigan Prosecuting Attorneys
Association

Funding for this project was provided by a grant through the Michigan Office of Highway Safety Planning and the United States Department of Justice.

Program Overview

This manual discusses the suggested role of law enforcement and community agencies in preventing underage drinking parties and safely dispersing them when they occur. It provides step-by-step information on ways to address underage parties and how to use enforcement campaigns to bring about positive changes in community norms concerning underage drinking.

In order to influence those norms, participants must be able to engage in the following:

- Gain an understanding of the issues related to underage drinking parties.
- Motivate policymakers, communities, and law enforcement to place greater emphasis on preventing underage drinking and parties.
- Learn operational steps that can be taken to prevent and disperse underage parties.
- Identify barriers to addressing underage parties in communities.
- Learn about possible strategies to overcome those barriers.

Goals and Objectives

- Eliminate underage consumption of alcohol.
- Eliminate adults providing alcohol to minors.
- Reduce the number of alcohol-related traffic crashes.
- Establish close working relationships between law enforcement and schools.
- Promote community awareness regarding the problems associated with youth access to alcohol.

Underage Drinking Response Team Background

There are many problems facing municipalities. Youth alcohol problems have always been an issue within communities, but those issues may not have been aggressively addressed. As an example, past practices when dealing with underage consumption at parties may have been to break up the party and send everyone on their way, without regard to their alcohol consumption. This activity did nothing to address the issues associated with underage consumption and merely dispersed the individuals to different locations.

Law enforcement agencies in Michigan can make a commitment to address youth alcohol issues and form Underage Drinking Response Teams. The key to the success of these innovative squads is the combination of education and enforcement efforts. There is community support for this type of program and by forging a partnership to aggressively address youth alcohol issues, a community can have an impact on the collective problems associated with underage consumption of alcohol.

Impact of the Program

The Underage Drinking Response Team's success may well increase interest by other jurisdictions to institute similar programs. By combining education strategies with enforcement programs, zero tolerance messages will quickly become clear throughout the community. By involving multiple stakeholders in the program, that message will be

louder, spread faster, form deeper roots, and have longer lasting effects. By taking a pro-active enforcement stance, there should be a reduction in underage drinking.

This would give a clear indication of the program's positive impact on reducing the availability of alcohol to underage individuals. Similarly, a reduction in the percentage of youth who consumed alcohol at parties targeted by enforcement efforts, in relation to those who did not consume, would clearly indicate the positive impact of the program. By impacting these two specific areas of concern, a reduction of youth fatalities and injuries directly related to alcohol use can be anticipated. By working as a team with the stakeholders, the police/community partnership formed for this project will have a positive impact on the harm experienced by the community as a whole.

The Controlled Dispersal Program

Despite prevention efforts, underage drinking parties do occur. When they do, law enforcement agencies can utilize the controlled dispersal plan as a method for closing down and containing the party. Controlled dispersal is a systematic operational plan using the concepts of zero-tolerance and education to safely and efficiently close the underage drinking party. A successful controlled dispersal results in effective zero-tolerance enforcement by placing appropriate charges against the violator. It also minimizes the potential for disaster by ensuring that the party attendees are provided a safe ride home. The proper implementation of the controlled dispersal plan will benefit a community and its youth by reducing the negative consequences associated with underage drinking.

Controlled Dispersal Philosophy

The basic premise is to dedicate appropriate resources to contain the party participants and effectively control their release. Enforcement is used as an education tool to properly manage the incident, involve the parents, and discourage future participation. Law enforcement agencies are free to implement this plan in a variety of ways as long as they apply the basic principles of containment and release.

Establishing an Alcohol Enforcement Unit or Alcohol Enforcement Specialists

In order for the controlled dispersal plan to be effective, the law enforcement agency can adopt the controlled dispersal philosophy and establish policies that encourage or mandate its usage. Supervisors and officers must receive the proper training and guidance so that they can effectively implement the plan. Oversight of the plan can be conducted by a centralized alcohol-enforcement unit or by patrol officers with specialized training (decentralized alcohol-enforcement specialists).

A centralized alcohol-enforcement unit may not be feasible for smaller agencies. In this situation, it is recommended that patrol officers who have received specialized alcohol-enforcement training implement the controlled dispersal plan. Officers who primarily work evening or midnight shifts are more likely to encounter underage drinking parties and should receive more extensive underage alcohol-enforcement training, including use of the controlled dispersal plan. In larger agencies, deployment may be

implemented in both a centralized and decentralized manner. This is clearly the ideal scenario as it provides a core group of officers dedicated to underage alcohol enforcement, education, and training.

The officers selected for alcohol-enforcement training should demonstrate a strong interest or background in underage alcohol enforcement. Law enforcement policy should be established recommending that all potential underage drinking party complaints should be assigned whenever possible to the alcohol-enforcement unit or specialist. Agency policy should also dictate that all party complaints should be considered as underage drinking parties unless information is provided to the contrary, and that the alcohol specialist officer is responsible for coordination of the scene.

Responding to Parties

The key element to success is the coordination and communication among officers on the scene. Law enforcement managers must be flexible in allocating staff to provide sufficient officers to safely close parties. Although these operations often are time and effort intensive, the initial investment of officers will result in fewer alcohol-related calls for service overall, including incidents such as fatal and injury traffic crashes, sexual assault, and alcohol poisoning. It also will reduce nuisance crimes such as theft, vandalism, and disorderly conduct.

Dispatchers and other personnel who receive calls from citizens should be trained to distinguish the difference between adult and underage drinking party complaints. As previously mentioned, any complaint of a possible underage drinking party should first be referred to the alcohol-enforcement unit or specialist.

These officers will be the primary units, and shift commanders and/or area supervisors will be advised once the event is verified. Officers discovering an underage drinking party in the course of other duties should be encouraged to not approach the residence or party, but should request the assistance of the alcohol-enforcement unit or specialist so that a controlled dispersal plan can be implemented.

Additionally, officers who monitor alcohol establishments and who observe large quantities of alcohol being purchased by young people should convey the information to the alcohol-enforcement unit or specialist for investigation.

Initial Response Surveillance

Rather than responding directly to the alleged party house or location, surveillance should be initiated. Officers should park their patrol vehicles on an adjacent road or a short distance from the party site and walk up. The surveillance officer should monitor for alcohol, drugs, noise, and other violations as well as noting party size, general layout of the house or other party site and other tactical considerations. Ideally, this officer should be from the alcohol-enforcement unit or a specialist. Plain-clothes officers and/or unmarked vehicles are ideal for this surveillance, but uniform officers are effective if they remain covert.

Fourth Amendment issues such as curtilage and search-and-seizure procedures must be considered when dealing with a private residence. Agencies are encouraged to review their policies with their prosecutor's office prior to implementing the controlled dispersal plan.

Monitoring Traffic

Surveillance officers can relay information about persons and/or vehicles leaving the party area. Other officers may be asked to follow a vehicle and, based on probable cause, stop the vehicle, identify the age of the occupants and determine if they have consumed alcohol. The officers conducting the traffic stop should not reveal their knowledge of the party; this may tip off the party host and cause the attendees to scatter. Appropriate enforcement of alcohol violations for individuals leaving the party is encouraged to maintain the controlled dispersal plan's integrity and to reinforce the norm that underage drinking will not be tolerated.

Implementing Controlled Dispersal

After establishing probable cause of alcohol violations, surveillance officers should notify a supervisor and estimate the staffing requirements for a proper controlled dispersal. The supervisor will determine officer availability and make a decision to implement the controlled dispersal plan or to close the party by alternate means.

Officers from adjacent areas or shifts may be considered for additional help as needed. Commanding officers should be notified of confirmed underage-alcohol parties so that they are apprised of the situation and can activate mutual-aid agreements if necessary.

In cases where insufficient staffing precludes the agency from conducting a controlled dispersal, it is imperative that officers take some action to minimize the risk associated with underage alcohol use (primarily driving by impaired youth). It is usually possible to station officers at each end of the street where most of the cars are parked and observe and prevent anyone from driving drunk.

Additionally, officers or trained interns/explorers can record the license plate numbers of vehicles parked in the vicinity. The owners can be contacted – usually parents – and informed where their cars are located. This normally invokes a swift response from parents who arrive on the scene to retrieve their vehicles and minors. Illegally parked vehicles can be towed in accordance with agency policy. While the controlled dispersal is clearly the most effective method of closing a party, these alternative means are available as options.

When reviewing options and determining how to take action, keep in mind that officer safety is the primary consideration in any controlled dispersal situation. Drugs and weapons often are recovered at parties and officers are almost always outnumbered.

Briefing

The supervisor will select a staging area away from the party site and officers assigned to the controlled dispersal will report to this location. A briefing, usually lasting only a few minutes, will be held to review agency policy and development of a tactical plan. Officers will also organize the equipment needed to effect the controlled dispersal (cameras, preliminary breath tester, citations, etc.). Selection of a covert staging area is critical. Attendees at underage drinking parties are often cognizant of police presence and may even have scanners or lookouts.

Deployment

Teams should be established to provide outer and inner perimeters. The outer perimeter will block the roadway to prevent vehicles operated by impaired drivers from leaving the area. The inner perimeter is responsible for attempting to prevent partygoers from leaving the house or immediate party area until control of the area is gained, and for ensuring officer safety. Once the perimeters are established, a contact officer (usually the primary alcohol officer and a supervisor) should go to the front door of the residence (in the case of a house party) and attempt to speak to the homeowner or host of the party. This should be the first time that partygoers have knowledge of a police presence.

When the party is on private property, the contact officer should attempt to gain entry to the residence through consent, a warrant, exigency, or any other legal means. Consent is the best and easiest approach to gain entry. The contact officer may be able to gain consent by explaining to the homeowner the legal consequences of hosting an underage drinking party.

It is imperative that the officers involved communicate with each other because, as with other tactical operations, the safety of all involved is the most critical concern. If normal radio traffic is heavy, officers on the party scene may want to use a tactical channel, if available. This precaution may be used for their safety much like house entries made for other suspected offenses.

Scene Security

Once entry is made, the attendees should be gathered into a secure area. The party host and the contact officer or supervisor should conduct a thorough search of the residence or party area to ensure that no one is hiding, sick, or unconscious. Youth have been found hiding in crawl spaces, closets, and clothes dryers. Disorderly or impaired partygoers should be removed as soon as practical and processed accordingly. This is a protective sweep for persons only. It is not a search for contraband unless consent is expressly given for that purpose.

Processing

Processing stations should be established using officers or civilian aids, if available. Partygoers of legal drinking age will be released provided they have not committed an offense and have safe transportation from the party.

The first station is set up to administer a preliminary breath test (if policy) and to photograph the subject. The subject's name, date of birth, and test results should be recorded on the photograph.

A second station processes any citations issued.

At the third station, safe transportation from the party will be arranged. Attendees under the age of 18 will contact a parent or relative, have them come to the party site to witness the environment, and sign for their release. Eighteen-to 20-year old partygoers should be ordered not to drive and may be released after safe transportation has been arranged.

NOTE: Controlled dispersals can also be implemented in jurisdictions where a physical arrest is required in lieu of a citation but creative solutions like buses and alternative processing locations will have to be made.

Interns, police explorers, volunteers, or civilian aids can be an asset in performing non-enforcement-related tasks during processing. Issues such as handling of juveniles or charging constructive possession of an alcoholic beverage (which makes it illegal for a person under 21 years old to be at an underage drinking party, regardless if they consume alcoholic beverages, so long as they have knowledge, access, and it is contraband) should be discussed with a legal advisor prior to implementation of the controlled dispersal plan.

Once the scene is secure, the inner-perimeter officers can process the attendees. The outer-perimeter officers should maintain security until all partygoers are safely dismissed from the area and prevent other invitees from entering the house or party area. As previously mentioned, the officers should prevent impaired drivers from leaving the scene and should also provide security for the patrol vehicles. Parents who arrive should be given an opportunity to view the results of the party, including alcohol containers, drug paraphernalia, and vandalism. This promotes parental awareness of the severity and extent of the problem.

Juvenile Holding Area

A reminder of the authority of the Juvenile Justice Delinquency and Prevention Act of 1988:

- Runaway and status offenders shall not be placed in a locked area.
- Juveniles charged with a crime can be placed in a locked area for a maximum of six (6) hours for processing purposes.
- Juveniles 15-years and older can be placed in jail only by court order.
- Sight and sound separation from adults and detainees must be maintained at all times.

Debriefing

After the party has been safely contained, controlled and closed, the supervisor and all officers assigned shall conduct a brief debriefing. All participants should be encouraged to provide an overview of the events and suggestions for improvements for future activities. Also, any duties to finalize the shift's events should be assigned and followed up by the supervisor.

Developing Community & Media Support

Party prevention and controlled dispersal are new concepts in many communities and it is important to gather support for them. Once the alcohol enforcement unit or specialist program is established and officers are trained in the methods of controlled dispersal, a press release should be issued. The release should contain information on underage alcohol use including traffic crash statistics, notable binge drinking incidents, and related laws. It is important to stress the accountability and responsibility of both youth and adults. Michigan has an adult responsibility law imposing sanctions on adults who allow underage drinking in their home; this is an excellent time to bring it to the community's attention. The release can come from the department or from a community coalition concerned with underage drinking. A coalition with concerns about underage drinking probably already exists. Coalition members may include businesses, schools, hospitals, insurers, social services agencies, concerned youth, concerned parents, highway officials, and, of course, the police department and alcohol control agencies. By having the coalition sponsor the press releases and press conferences, community partners show support for the department's efforts in solving community problems. It reduces the "us versus them" perception that often plagues enforcement efforts.

The initial press release should be made at a time of heightened awareness about the dangers of youth and alcohol. This could be during the homecoming, prom, graduation, holiday seasons or local special events, such as fairs and festivals. After using controlled dispersal at large parties or other underage alcohol incidents, follow-up press releases highlighting the effectiveness of the program should be made to bolster support. It also can be helpful to recognize private or public establishments and community partners who act responsibly in restricting underage access to alcohol as part of the media coverage.

In reaching out to the community, Underage Drinking Response Teams and specialists can provide education concerning underage drinking laws and their consequences as well as information about the impact that alcohol and drugs can have on the lives of youth. High school and college students are appropriate audiences because these groups are most likely to be involved with underage drinking and have concerns about their own behavior and the behavior of peers. Officers may also speak to faculty, PTAs, and civic and community groups detailing party prevention and controlled dispersal and its benefits to the community.

A baseline of statistics about underage alcohol use should be established as the program begins. If the results during the first year are positive, media coverage should be solicited to commend the department for its efforts and draw attention to the problem

and successful strategies. If the results are not as positive, this information can be a tool to gather additional funding and resources.

If permitted by department policy, “ride-alongs” by coalition leaders and the media with the alcohol enforcement unit or specialists can show the benefits of party prevention and controlled dispersal. Judges, prosecutors, coalition members, citizens, and the media can be educated through this first-hand experience. When these people see parties in full force and controlled dispersal in action, they are more likely to recognize the importance of the enforcement efforts and provide the support needed. A consistent message must be carried with each community and media contact to reinforce the seriousness of underage drinking.

Conclusion

Enforcement activities to prevent and safely disperse underage drinking parties are critical to reducing underage alcohol use and problems. However, these efforts cannot occur in isolation. Enforcement of laws and statutes related to underage drinking must be accompanied by continuing efforts to reduce the commercial availability of alcohol, third-party sales, other social and public availability, and the possession of alcohol by underage youth. Using comprehensive, community wide approaches to reduce underage drinking can shift community-wide approaches to reduce underage drinking and shift norms and expectations. This is a worthy goal that builds community collaboration and provides participants with a sense of lasting accomplishment, both in the process and the outcomes. The stakes are enormous: the health and safety of our young people.